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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,080	10/03/2001	Hitesh Shah	206004.00004	2094
22909 7590 05/21/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER THIER, MICHAEL	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 05/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/971,080	SHAH, HITESH	
	Examiner	Art Unit	
	Michael T. Thier	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-46,49 and 55-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-46,49 and 55-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/4/2007 have been fully considered but they are not persuasive.

Applicant argues that the Fitzgerald patent is "...completely silent to a first wireless telephone, subscribed to receive one or more services from a first wireless service provider, and a second wireless telephone, subscribed to receive one or more services from a second wireless service provider, sharing a wireless service plan."

In response to applicant's arguments, the examiner respectfully disagrees. Fitzgerald teaches the idea of multiple devices (figure 1 items 120-140), which can connect to various types of service providers (figure 1 items 104, 106, and 108, further see column 3 lines 49-50). These devices may be PDA's (124), or telephones (130), which as shown in figure 1 are wireless telephone devices. (i.e. a first wireless telephone (PDA 124), and a second wireless telephone (telephone 130)). The PDA 124 is capable of receiving services from the subscriber running the data network 104, while the telephone 130 is capable of receiving service from the cellular network 108. This clearly reads on the idea that that the first wireless telephone is subscribed to receive one or more services from a first wireless service provider (i.e. the first wireless telephone 130, is able to make and receive calls over the cellular network 108), and the second wireless telephone is subscribed to receive one or more services from a second wireless service provider (the PDA 124 is able to use the data network 104 to send and

receive data). Therefore, the 2 wireless telephone devices are clearly subscribed to receive one or more services from the 2 separate service providers. Now, if the applicant is arguing that in figure 1 only a single "wireless" network is shown (i.e. the cellular network), it must be understood that the Fitzgerald's figure 1 is just an example of the invention and may possibly contain multiple cellular networks (i.e. multiple wireless service providers, rather than a cellular, data, and telephone, it could clearly have 2 separate cellular and a data network, thus allowing for subscribing to receive services from a second "wireless" service provider different from the first.)

As for the argument that Fitzgerald does not teach sharing a wireless service plan, it is clearly understood from the Fitzgerald reference. Fitzgerald shows in figure 1, the cellular network 108 as one of the many service providers the devices 120-140 can utilize. The PDA 124, and telephone 130, both have the ability to utilize the cellular network, therefore allowing for the sharing of the wireless service plan administered by the cellular network. (i.e. the PDA and telephone share the service plan administered by the cellular network since they both can access it through the HUB 100).

Claim Objections

2. Claim 44 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 44 merely recites

that the second wireless telephone is subscribed to receive one or more services from a second wireless service provider, which is already stated in the independent claim 43.

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

The claims contain duplicate numberings for claims 59 and 60. The second occurrence of claims 59 and 60 has been renumbered 61 and 62.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 43-45, and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herman et al. (US 6633757) in view of Fitzgerald (US 6564056) in view of Marchbanks et al. (US 6266401) in further view of Chennakeshu et al. (US 6542758).

Regarding claims 43-45, and 55. Herman teaches a wireless communication system (see column 4 line 53-column 5 line 3, and column 6 lines 17-27, i.e. wireless LAN [WLAN]) comprising: a first wireless telephone (see column 6 lines 52-60, i.e.

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cellular phones, or several other devices) and a second wireless telephone (see column 6 lines 52-60, i.e. cellular phones, which is understood that the devices can be several cellular phones to share the services, and column 14 lines 61-63, where it is explained that 2 devices that "share" services can be of the same type, i.e. "implementations are possible where devices are employed which have essentially the same building blocks") and sharing at least one service of the one or more services with the first wireless telephone (see column 15 lines 36-38). Herman also teaches that the WLAN may comprises access points which can provide the wireless devices with access to a wired network, which can be understood that the devices can be connected to some service provider.

However, he does not clearly disclose that the first wireless telephone is subscribed to receive one or more services from a first wireless network and the second wireless telephone is subscribed to receive one or more services from a second wireless service provider. He also does not distinctly disclose that the first and second wireless telephones share a single wireless service plan.

Fitzgerald teaches of a hub, or wireless device, used in a wireless network. He teaches the idea of the wireless device within the wireless network (item 100 in figure 1, shown as HUB, with wireless connections to item 108 and wireless interfaces 150), is also connected to multiple service providers to receive services in figure 1, see HUB 100 and cellular network 108, data network 104, and telephone network 106. (Also see column 3 lines 65-column 4 line 11) It must be understood that the Fitzgerald's figure 1 is just an example of the invention and may possibly contain multiple cellular networks

(i.e. wireless service providers, rather than a cellular, data, and telephone, it could clearly have 2 separate cellular and a data network, thus allowing for subscribing to receive services from a second wireless service provider different from the first.) In Fitzgerald, the first wireless telephone 130, is able to make and receive calls over the cellular network 108. (i.e. subscribed to receive one or more services from a first wireless service provider), and the PDA 124 is able to use the data network 104 to send and receive data (i.e. subscribed to receive one or more services from a second wireless service provider). Whether or not the first and second wireless telephones (124 and 130) can utilize the services of more than one network (i.e. the PDA utilizing the data network and cellular network) is irrelevant, since the claims merely recite that the first wireless telephone be subscribed to receive one or more services from a first wireless service provider (which it is, since phone 130 can utilize cellular network 108) and the second wireless telephone be subscribed to receive one or more services from a second wireless service provider (which is also the case since the PDA can utilize the services of the data network 104). Fitzgerald also teaches the idea wherein the first wireless telephone and the second wireless telephone share a single wireless service plan administered by the first wireless service provider or the second wireless service provider in figure 1, where the service provider is the cellular network 108, and the PDA 124 and phone 130, share a single service plan registered with the cellular network. (i.e. the HUB device 100, allows for connecting between both the PDA 124 and phone 130 with the multiple networks, therefore there can be one service plan with the cellular network and the multiple devices can share that service plan.)

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the subscribing to a wireless service provider as in Fitzgerald, with the wireless network that shares services in Herman. The motivation for doing so would have been to allow the devices within the wireless communication system (i.e. the wireless network), to enable the devices (i.e. cellular phones) to communicate with external service providers (Fitzgerald column 1 lines 58-64).

However Herman and Fitzgerald do not specifically disclose the limitations wherein the first and second wireless telephones share a single billing report under the single wireless service plan, and that the first wireless telephone receives one or more services including one of call forwarding and a voicemail service in

Marchbanks teaches of a consolidated billing system for use in telephony networks. He teaches the idea of combining network and third party usage charges integrated into a single bill (see the abstract). Marchbanks further teaches the first wireless telephone receives one or more services including one of call forwarding and a voicemail service in figure 6 item 100.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the single billing as in Marchbanks with the communication network that shares services as in Fitzgerald and Herman. The motivation for doing so would have been to allow for consolidated accounting of services provided (Marchbanks column 3 lines 43-44).

However Herman, Fitzgerald, and Marchbanks do not distinctly teach wherein the second wireless telephone is a vehicle wireless telephone, integrated into an

electrical control system of the vehicle. They also do not teach the idea of the wireless telephone having the service of hands free dialing. Although, Herman further teaches the first wireless phone is a personal phone in column 6 lines 54-60, i.e. personal digital assistants and cellular phones. Herman also teaches the wireless lan can be located within a car in column 6 lines 47-50.

Chennakeshu clearly teaches a telephone for use in a vehicle (see the abstract and figure 1). Also see column 1 lines 24-26, and column 3 lines 58-column 4 line 9. Further see figure 1 which shows the telephone integrated into the steering wheel of the vehicle. Further see column 2 lines 30-37, and column 3 lines 1-7. (i.e. the phone system may work with the inherent systems of the vehicle, or electrical control system) Chennakeshu further teaches the idea of utilizing the service of hands free dialing in the vehicle wireless telephone in the abstract (i.e. hands free unit)

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the vehicle phone as in Chennakeshu with the communication network that shares services as in Marchbanks, Fitzgerald, and Herman. The motivation for doing so would have been to allow for easy access to the wireless telephone by the driver of the vehicle.

Regarding claim 56. Chennakeshu further teaches the vehicular wireless telephone includes a display in figure 1 item 46.

Regarding claims 59-60. Herman teaches the limitation wherein the service provider provides a shared voicemail feature and transferring an electronic mail message to the vehicular telephone. (see column 15 lines 35-38, the invention is used

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to share services, where voicemail is clearly a service, further see table 1, which shows a laptop with a mail application, i.e. email).

6. Claims 46 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over the grounds of rejection as applied to claim 45 above, and further in view of Walker et al. (US 6246755).

Regarding claim 46. Herman, Fitzgerald, Marchbanks, and Chennakeshu teach the limitations of the previous claims.

However, they fail to teach the limitations wherein the first wireless service provider cooperates with the second wireless service provider to share at least one service.

Walker teaches sharing revenue between service providers (revenue is shared between the content providers and telecommunication service providers; col. 3, ln. 21-47, also see column 2 lines 14-21, i.e. access different content providers, reads on the service providers cooperating to share their service, which can be telephone connectivity).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the sharing of revenue between service providers of Walker with the communication network that shares services as in Chennakeshu, Marchbanks, Fitzgerald and Herman. The motivation for doing so would have been to aid in reducing the high cost of telephone connections for such services (column 2 lines 19-21 of Walker).

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Regarding claim 49. Herman, Fitzgerald, Marchbanks, and Chennakeshu teach the limitations of the previous claims. Fitzgerald further teaches the idea that the second wireless service provider is different from the first wireless service provider as explained in the rejection of claim 43. (see figure 1 and column 3 lines 49-50)

However, they fail to teach the limitations wherein revenue obtained under the single wireless service plan is divided between the first wireless service provider and the second wireless service provider.

Walker teaches sharing revenue between service providers (revenue is shared between the content providers and telecommunication service providers; col. 3, ln. 21-47, also see column 2 lines 14-21, i.e. access different content providers, reads on the service providers cooperating to share their service, which can be telephone connectivity). Since the revenue is shared between service providers, thus, it can be considered that it is divided amongst the two.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the sharing/dividing of revenue between service providers as in Walker, with the communication network that shares services as in Chennakeshu, Marchbanks, Fitzgerald and Herman. The motivation for doing so would have been to aid in reducing the high cost of telephone connections for such services (column 2 lines 19-21 of Walker).

7. Claims 57-58 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over the grounds of rejection as applied to claim 55 above, and further in view of Obradovich et al. (US 6754485).

Regarding claims 57-58 and 61. Herman, Fitzgerald, Marchbanks, and Chennakeshu teach the limitations of the previous claims.

However, they fail to specifically disclose the limitations wherein the providers provide roadside assistance and a navigation service.

Obradovich teaches of an in car communication system which provides navigation and roadside assistance in the abstract and column 1 lines 64-67.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Obradovich with the teachings of Chennakeshu, Marchbanks, Fitzgerald and Herman. The motivation for doing so would have been to allow for providing the consumer with services that would aid in their safety and comfort while using their vehicle.

8. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over the grounds of rejection as applied to claim 55 above, and further in view of Rosener et al. (US 2002/0028655).

Regarding claim 62. Herman, Fitzgerald, Marchbanks, and Chennakeshu teach the limitations of the previous claims.

However, they fail to specifically disclose the limitations wherein the system detects the proximity of the personal telephone to the vehicle phone and re routes the call to the vehicle phone.

Rosener teaches the idea that a user walking to their car while in a call on their hand held phone, a Bluetooth discovery is made when the person gets close enough to the vehicle, and the call is then connected to a repeater of the vehicle to allow for the poer signal strength to continue the call. (see par. 118)

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Rosener with the teachings of Chennakeshu, Marchbanks, Fitzgerald and Herman. The motivation for doing so would have been to allow for continuing the phone call with enough signal strength.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Thier whose telephone number is (571) 272-2832. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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5/2/2007